

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 27, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CALEB L.,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

No: 2:21-CV-00152-LRS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 18. The Plaintiff is represented by Attorney Rosemary B. Schurman. The Defendant is represented by Special Assistant United States Attorney Stephen Dmetruk.

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

1 After consideration, **IT IS HEREBY ORDERED** that the Stipulated
2 Motion for Remand, **ECF No. 18**, is **GRANTED**. The Commissioner's final
3 decision is reversed and remanded for further proceedings pursuant to sentence
4 four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security,
5 the Appeals Counsel should remand this case to the Administrative Law Judge
6 (ALJ). On remand, the ALJ shall do the following: (1) provide the claimant with
7 an opportunity to submit additional evidence; (2) reconsider the claimant's residual
8 functional capacity; (3) further evaluate the evidence, including the opinion
9 evidence from Dr. Higgins, Dr. Campbell, and Kimberly Schmidt; (4) further
10 evaluate the claimant's symptoms; (5) if warranted, seek supplemental vocational
11 expert evidence to determine whether there are a significant number of jobs in the
12 national economy that the claimant can perform; (6) before relying on the
13 vocational expert evidence, identify and resolve any conflicts between the
14 occupational evidence provided by the vocational expert and information in the
15 Dictionary of Occupational Titles (DOT) (Social Security Ruling 00-4p); (7) give
16 the claimant an opportunity for a hearing; and (8) issue a new decision.


17 The parties stipulate that this case be reversed and remanded to the ALJ on
18 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
19 matter is remanded to the Commissioner for additional proceedings pursuant to
20 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will
21 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §

1 2412(d).

2 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
3 Judgment, **ECF No. 13**, is **DENIED** as moot, given the parties' motion for
4 remand.

5 The District Court Executive is hereby directed to enter this Order and
6 provide copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the
7 file.

8 **DATED** December 27, 2021.

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11 LONNY R. SUKO
12 Senior United States District Judge
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